



**Charles D. Baker**  
Governor

**Karyn E. Polito**  
Lieutenant Governor

The Commonwealth of Massachusetts  
Department of Public Safety  
One Ashburton Place, Room 1301  
Boston, Massachusetts 02108-1618

Phone (617) 727-3200

Fax (617) 727-5732

TTY (617) 727-0019

[www.mass.gov/dps](http://www.mass.gov/dps)

**Daniel Bennett**  
Secretary

**Matt Carlin**  
Commissioner

**Minutes**

**Board of Elevator Regulations**  
**One Ashburton Place, 13<sup>th</sup> Floor – 13<sup>th</sup> Floor**  
**DPS Conference Room**  
**October 18, 2016 at 9:00AM**

**Board Member Present:**

Stephen Sampson, Chairman  
David Gaudet  
John O'Donoghue  
David Morgan  
Michael J. Nicoloro Jr.  
Cheryl Davis

**Guests Present:**

Deirdre Ann Hosler (DPS)  
Stephen Carley (DPS)  
Ruthy Barros (DPS)

**Board Members Absent:**

Harold J. McGonagle  
Tom Riley

**Code Review:**

The Board, along with Legal, discussed the terms “alteration” versus “material change” and the possibility of fully integrating the term “alteration” into Chapter 10 in lieu of the term “material change”. Elevator Inspector and Code Coordinator Joseph O'Malley was contacted and placed on speaker phone. The Board discussed what would trigger an elevator to be brought up to code. The Board along with Legal, also reviewed the G. Gahr Finney letter date August 3, 2004. Lastly, the Board discussed and reviewed 524 CMR Section 10.02 – Alterations and Replacements requiring a permit. Legal proposed to have the Board categorize what would be considered replacements.

## **Board of Elevator Hearing**

### **Board Member Present:**

Stephen Sampson, Chairman  
David Gaudet  
John O'Donoghue  
David Morgan  
Michael J. Nicoloro Jr.  
Cheryl Davis

### **Guests Present:**

Eileen Goldberg (Homeowner)  
Mike Doyle (Garaventa USA)  
Deirdre Ann Hosler (DPS)  
Ruthy Barros (DPS)

### **Board Members Absent:**

Harold J. McGonagle  
Tom Riley

1. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on September 14, 2016. **A motion to revisit and clean up the code review minutes made by David Gaudet. The motion was seconded by David Morgan. Vote: 6-0; Placed on hold.**

2. The Board of Elevator Regulations reviewed the minutes pertaining from the BER meeting that has held on September 27, 2016. **A motion to accept the minutes with the noted corrections was made by David Gaudet. The motion was seconded by David Morgan. Vote: 5-0; Granted and abstained by Cheryl Davis.**

### **3. 37 Priesing Street – Boston, MA 524 CMR Section 35, A17.1 1996 Part XXI 2100.7a**

#### **Petitioner: Joseph Fisher**

Representatives of the petitioner came before the Board requesting a variance from the 12' travel limitation. The petitioner, Joseph Fisher suffers from ALS and is wheelchair bound. Mr. Fisher resides on the second floor of a multi-family dwelling that he owns. Mike Doyle, representative of Garaventa USA, stated that there is going to be a shaft enclosure around the lift. The lift will only travel to two stops, ground level and to Mr. Fisher's apartment on the second floor. The lift will be fully state certified and will meet all the criteria of a standard lift. The proposed travel is 13'+/- 2 to 3 inches and will be model GVL Shaft-SW-168. A motion was put forth by John O'Donoghue to grant the variance with a travel height of 13' 8" and the justification being that the new code the Board is considering adopting will allow 14'. The motion was seconded by Michael J. Nicoloro.

**Motion:** John O'Donoghue

**Seconded by:** Michael J. Nicoloro

**Vote: 6-0; Granted.**

#### **4. Gould Construction Institute**

Deirdre Ann Hosler, Deputy General Counsel, along with the Board reviewed a letter from Gould Construction Institute's legal representation dated October 6, 2016. Counsel will draft a response to the letter on behalf of the Board. The Board did not believe they had jurisdiction over apprenticeship training programs. Counsel agreed to review the statutes and determine if it is the Board of Elevator Regulations or the Board of Elevator Examiners who has authority to approve apprenticeship training programs.

#### **Exhibit List:**

Exhibit 1: Meeting minutes from September 14, 2016

Exhibit 2: Meeting minutes from September 27, 2016

Exhibit 3: Variance Petition – 37 Priesing Street – Boston, MA

Exhibit 4: Variance Petition – Gould Construction Institute – Woburn, MA

Exhibit 5: Letter from Michael P. Sams, Esq. dated October 6, 2016

Exhibit 6: Letter from G. Gahr Finney dated August 3, 2004

Exhibit 7: Email from Joseph O'Malley dated October 12, 2016

**Motion to adjourn by:** John O'Donoghue

**Seconded by:** Michael J. Nicoloro

**Vote: 6-0; Granted.**

Hearing Concluded at 3:50 p.m.

Prepared by: Ruthy Barros